REMARKS

Reconsideration of the present application is respectfully requested. Claims 1-30 previously presented for examination remain in the application. Claims 7, 17, and 27 have been amended. No new claims have been added and no claims have been canceled.

Claims 3, 4, 13 and 23 stand rejected under 35 U.S.C. § 112, second paragraph as being considered to be indefinite. In particular, it is stated that claims 1, 11 and 21 include alternative language used to describe updating the performance state structure using either a processor performance table or a default table while claims 3, 13 and 23 imply the presence of both.

Applicant agrees with the statement in the office action that claims 1, 11 and 21 use alternative language to describe updating the performance state structure using either a processor performance table or a default table and with the statement that claims 3, 13 and 23 imply the presence of both. Applicant disagrees, however, with the statement that these are contradictory.

For some embodiments, for example, the performance state structure may be updated with either the processor performance table or the default table even where both of them are present.

Applicant respectfully submits that the claims as presented meet the requirements of 35 U.S.C. § 112, second paragraph.

Claims 1, 2, 6, 11, 12, 16, 21, 22 and 26 stand rejected under 35 U.S.C. § 103(a) as being considered to be unpatentable over U.S. Patent No. 6,082,623 to

Chang ("Chang") in view of U.S. Patent No. 5,958,058 to Barrus ("Barrus") and further in view of U.S. Pub. No. US2001/00032606 to Edwin J. Pole II ("Pole").

Claim 1 includes the limitations

> reading a performance information associated with a processor;
> locating a processor performance table that corresponds to the performance information, the performance table including a plurality of performance parameters to control performance of the processor; and
> updating a performance state (PS) structure using one of the processor performance table and a default table.

(Claim 1)(emphasis added).

Applicant respectfully submits that Chang, Barrus and Pole, alone or in combination, do not teach or suggest the claimed features of applicant's invention including at least reading a performance information associated with a processor and locating a processor performance table that corresponds to the performance information.

Chang discloses a cooling system and method for a portable computer. In accordance with Chang, a cooling system and method is provided to automatically switch a Central Processing Unit (CPU) to a proper execution mode according to a current working temperature and a current air flow value. A table is built and stored in a memory for recording a flow value and its correspondent target execution mode for various working temperatures. A thermal sensor detects a current working temperature and sends the result to a microprocessor. A pressure sensor detects a flow value by sensing air flow passing through the ventilation inlet and outlet and generating a heat dissipation signal representing the current air flow value. The microprocessor then uses the

current air flow value to look up the table to find out a target execution mode according to the current working temperature and the current air flow value. After obtaining the target execution mode, the microprocessor will send a control signal to switch the CPU execution mode to the target execution mode. (see, e.g. Chang, Abstract).

Thus, according to Chang, a thermal sensor and a pressure sensor in a system (not on the CPU) detect a system working temperature (which does not necessarily correspond to a CPU temperature) and a system air flow value. These system readings are then used to switch a CPU to a target execution mode.

In contrast, claim 1 sets forth a process including reading performance information associated with a processor and locating a processor performance table that corresponds to the performance information, the performance table including a plurality of performance parameters to control performance of the processor.

Chang does not teach at least reading performance information associated with a processor or locating a processor performance table that corresponds to the processor information.

Chang also does not suggest such a feature. Chang is focused on adjusting processor performance based on system temperature and air flow values.

The combination of Barrus and/or Pole with Chang, were such a combination to be made, does not remedy these deficiencies. Barrus discloses a

user-selectable power management interface with application threshold warnings that includes allowing a user to adjust the hardware performance settings of particular hardware devices on a computer in order to extend battery life (Barrus, Abstract), while Pole discloses an approach for managing a system's performance state by detecting generation of a power management event, transitioning a component from a first performance mode to a lower activity state in response to the power management event and changing a setting of the component to a second, different performance mode while the component is in the lower activity state. (Pole, Abstract).

Neither Barrus nor Pole, alone or in combination, teaches or suggests the claimed features of applicant's invention including at least reading performance information associated with a processor or locating a processor performance table that corresponds to the processor information.

Independent claims 7, 11, 17, 21 and 27 include similar limitations. Claims 2-6, claims 8-10, claims 12-16, claims 18-20, claims 22-26 and claims 28-30 depend from and further limit claims 1, 7, 11, 17, 21 and 27, respectively and thus, should also be found to be patentably distinguished over Chang, Barrus and/or Pole, alone or in any combination, for at least the same reasons.

Applicant gratefully acknowledges that claims 3, 4, 13 and 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Further, claims 5, 9, 10, 14, 15, 19, 20, 24, 25, 29 and 30 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Based on the foregoing, applicant respectfully submits that the applicable objections and rejections have been overcome and claims 1-30 are in condition for allowance.

If the Examiner disagrees or believes that further discussion will expedite prosecution of this case, the Examiner is invited to telephone applicant's representative Cynthia Thomas Faatz at (408) 765-2057.

If there are any charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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John Patrick Ward
Reg. No. 40,216

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1030
(408) 720-8300